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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,042	08/26/2003	Jonathan G. Riley	0212.67616	3209
24978	7590	11/03/2005	EXAMINER	
GREER, BURNS & CRAIN 300 S WACKER DR 25TH FLOOR CHICAGO, IL 60606			HOWELL, DANIEL W	
			ART UNIT	PAPER NUMBER
			3722	

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/648,042	Applicant(s) RILEY ET AL.	
	Examiner Daniel W. Howell	Art Unit 3722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-11 and 13-19 is/are rejected.
- 7) ☒ Claim(s) 5 and 12 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12-15-03, 2-14-05</u> . | 6) <input type="checkbox"/> Other: ____. |

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1. Claims 14-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The "body portion" of lines 11-12 of claim 14 does not appear to have antecedent basis.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 6, 7, 10, 11, and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leininger (5,525,842) in view of Nebe et al (6,641,145). Note initially figures 6-8, which generally show an air motor 68 with a rotary spindle shaft 86, the spindle having a chuck on its outer end. Figure 8 shows the forward end of the hand tool having a ring 92 with a plurality of light emitters (incandescent lamps) 96 located in a circle. Regarding claim 13, it is considered to have been obvious to have placed whatever number of lamps deemed acceptable to provide adequate lighting. Figure 10 shows the chuck having the generic wrench square drive 105 which mates with the spindle shaft 86. The chuck has a clear plastic sleeve 104, through which light from lamps 96 passes, in order to brighten the work area. See column 11, lines 4-23. As seen from figure 10, the sleeve 104 has axial grooves and ribs to aid in gripping. It is considered to have been obvious to have experimented and determined to make the sleeve 104 of polyester, as polyester is used to make plastics. The spindle shaft of Leininger lacks the threaded outer surface and a hollow end portion. It is notoriously common to use different types of

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connections between the chucks and spindles, depending on such factors as quick removal/exchanging of the chuck, the desired precision of centering of the chuck on the spindle, or the amount of torque to be provided to the chuck by the spindle. Figure 1 of Nebe et al shows a spindle 21 having threads 20 and a central hollow section. Core/thrust member 8 of the chuck has a portion which extends into the hollow, such that a flange portion having forward surface 9 abuts against the jaws 4, and portion 3 of the chuck has threads 19 which mate with threads 20. While such a connection can not be removed as quickly as the connection of Leininger, it greatly reduces the opportunity for the chuck to become separated from the spindle during operation. It is considered to have been obvious to have replaced the wrench square drive/socket type of connection of Leininger with the threaded connection as shown by Nebe in order to more securely hold the chuck on the spindle. Regarding claim 1, it is noted that the chuck of figure 10 of Leininger has some degree of conical actuation of the three jaws (this chuck might be a Jacobs style chuck), but Leininger is not particularly concerned with disclosing the actual actuation of the jaws. Nebe et al clearly shows the notoriously conventional conical chamber 7 with the three spring biased jaws 4, and it is considered to have been obvious to have embodied the chuck of Leininger as that as shown by Nebe et al in order to securely hold the tool bit.

4. Claims 8, 9, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leininger in view of Nebe et al as applied to claims 1 and 14 above, and further in view of Flynn (4,844,488). Depending on the working environment, debris which lands on the plastic sleeve 104 of Leininger may make it slick for gripping. Flynn shows a rubber gripping ring 10 which is placed over the actuating sleeve of a chuck (see figure 16) in order make the actuating sleeve

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easier to grip and operate. It is considered to have been obvious to have provided Leininger with the rubber sleeve as taught by Flynn in order to make it easier to grip and actuate the chuck.

5. Claims 5 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claim 17 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

7. Any inquiry concerning the content of this communication from the examiner should be directed to Daniel Howell, whose telephone number is 571-272-4478. The examiner's office hours are typically about 10 am until 6:30 pm, Monday through Friday. The examiner's supervisor, Boyer Ashley, may be reached at 571-272-4502.

In order to reduce pendency and avoid potential delays, Group 3720 is encouraging FAXing of responses to Office actions directly into the Group at FAX number to 571-273-8300. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a USPTO deposit account. Please identify Examiner Daniel Howell of Art Unit 3722 at the top of your cover sheet.



Daniel W. Howell
Primary Examiner
Art Unit 3722